

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

<p>CHARLES EQUIPMENT ENERGY SYSTEMS, LLC,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>INNIO WAUKESHA GAS ENGINES, INC. and DRESSER, INC., a wholly owned subsidiary of General Electric Company d/b/a Waukesha,</p> <p style="text-align: right;">Defendant.</p>	<p>Case No. 1:22-cv-02716-CM</p> <p>NOTICE OF MOTION FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 11</p>
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PLEASE TAKE NOTICE that the undersigned attorney for Defendant INNIO Waukesha Gas Engines, Inc. (“Waukesha”) herein will move this Court, before the Honorable Colleen McMahon, United States District Judge, Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be determine by the Court for an order granting Waukesha’s Motion for Sanctions Pursuant to Fed. R. Civ. P. 11 and imposing sanctions against Plaintiff Charles Equipment Energy Systems, LLC’s counsel.

This Motion will be based on the Declaration of Anthony B. Ullman, and the exhibits thereto, the memorandum of law, and all prior pleadings and proceedings herein.

This Motion is based on the fact that the claims in the Complaint and Plaintiffs counsel’s memorandum of law in opposition to Waukesha’s motion to dismiss are not warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law, and are not based on factual contentions for which there is evidentiary support. In particular:

1. The First and Second Causes of Action are time-barred pursuant to N.Y. U.C.C. § 2-725;
2. The Second Cause of Action fails to state a claim for breach of the duty of good faith and fair dealing; and
3. The Third Cause of Action fails to state a claim for fraud.

Dated: November 11, 2022
New York, N.Y.

DENTONS US LLP

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